

FEB 15 2013

JULIA C. DUDLEY, CLERK  
BY: *Julia C. Dudley*  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

UNITED STATES OF AMERICA, )

Plaintiff, ) Crim. No. 7:92CR00135

v. )

JIMMY LAWRENCE NANCE, )  
Defendant. )

ORDER

By: Hon. James C. Turk  
Senior United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that Nance's Motion for Recusal, ECF Nos. 255, 259, and Motion for Production of Documents, ECF No. 258, shall be and hereby are **DENIED**.

It is further **ORDERED** that Nance's Request for Judicial Notice, ECF No. 260, is hereby **CONSTRUED** as a Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C. § 2255. The Clerk is **DIRECTED** to redocket the motion as a § 2255 motion. Additionally, the § 2255 motion is hereby **DENIED** without prejudice as successive and should be **STRICKEN** from the active docket of the court. Finally, a Certificate of Appealability is **DENIED**.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to Nance and to counsel of record for the Respondent.

ENTER: This 15<sup>th</sup> day of February, 2013.

*James C. Turk*  
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James C. Turk  
Senior United States District Judge